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25 Attorneys for Claimant MOHEY MERSAL

26 **UNITED STATES DISTRICT COURT**
27 **EASTERN DISTRICT OF CALIFORNIA**

28 In the Matter of the Complaint of
1 COX, WOOTTON, LERNER
2 GRIFFIN & HANSEN LLP
3 LYNN L. KRIEGER (SBN 209592)
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Case No. 2:25-CV-01112-DJC-JDP

26 **STIPULATION AND ORDER**
27 **LIFTING INJUNCTION ON THE**
28 **STATE COURT ACTION AND**
29 **STAYING THIS ACTION**

30 Admiralty & Maritime Claim

31 Plaintiff-in-Limitation, ARAMARK SPORTS AND ENTERTAINMENT
32 SERVICES, LLC. (hereinafter “ARAMARK”) and Claimant-Respondent MOHEY
33 MERSAL (hereinafter “MERSAL”) hereby submit their Stipulation and Proposed
34 Order Lifting Injunction on the State Court Action and Staying This Action as follows:

35 COX, WOOTTON,
36 LERNER, GRIFFIN &
37 HANSEN LLP

38 900 Front Street, Suite 350
39 San Francisco, CA 94111
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1 **I. RECITALS**

2 WHEREAS this action arises from a personal injury incident that occurred on
 3 August 10, 2024, on Lake Tahoe. On that date, a group of friends rented a motorboat
 4 from ARAMARK and used the motorboat, a certain 2017 Sea Ray – SDX, 220
 5 Outboard, Hull Identification No. SERV2678C717 (hereinafter “the Vessel”) to motor
 6 to Emerald Bay to swim. One member of the group, MERSAL, suffered a severe
 7 propeller injury while the group of friends was swimming from the Vessel in Emerald
 8 Bay on that date.

9 WHEREAS on October 8, 2024, MERSAL filed a Complaint for Personal
 10 Injuries with a Demand for Jury Trial in Sacramento Superior Court, Case No.
 11 24CV020410 (hereinafter “the State Court Action”), which alleged a single cause of
 12 action for negligence against ARAMARK and other defendants. ARAMARK
 13 answered the Complaint in the State Court Action on November 27, 2024;

14 WHEREAS on April 14, 2025, ARAMARK filed a petition for exoneration from
 15 or limitation of liability in this Court pursuant to 28 U.S.C. § 1333, 46 U.S.C. § 30501,
 16 et seq. and under Rule 9(h) of the Federal Rules of Civil Procedures and Rule F of the
 17 Supplemental Rules for Certain Admiralty and Maritime Claims. (DE #1). The petition
 18 seeks to exonerate or limit ARAMARK’s liability for any and all claims arising out of
 19 the August 10, 2024 incident on Lake Tahoe;

20 WHEREAS, at ARAMARK’s request, this Court approved ARAMARK’s
 21 proposed Order Directing Monition and Injunction; Issue Notice; and Approving *Ad*
 22 *Interim* Stipulation For Value (DE #12) which, *inter alia*, enjoined MERSAL from
 23 pursuing the State Court Action pending further order of this Court. This Order also
 24 established a deadline for any and all claims arising out of the August 10, 2024,
 25 incident involving the Vessel to be filed in this action;

26 WHEREAS the only claimant to file a claim and answer to ARAMARK’s
 27 petition within the monition period was Claimant MERSAL (DE #14);

1 WHEREAS the case authorities establish that in limitation of liability cases
 2 where there is but a single claimant to a limitation fund who had previously filed a state
 3 court action, it is well within the district court's discretion to dissolve its injunction to
 4 permit the single claimant to pursue a state court action by jury trial provided that a
 5 stipulation is entered that protects the vessel owner's right to have the federal court
 6 ultimately decide its right to seek limitation of liability. *See, Lewis v. Lewis & Clark*
 7 *Marine, Inc.*, 531 U.S. 438, 442, 454 (2001). To invoke the "single claimant
 8 exception", a claimant "must" stipulate to the following: "(1) that the value of the
 9 limitation fund equals the combined value of the vessel and its cargo; (2) waive the
 10 right to claim res judicata based on any judgment rendered against the vessel owner
 11 outside of the limitation proceedings; and (3) concede the district court's exclusive
 12 jurisdiction to determine limitation of liability issues." *In re: Complaint of Ross Island*
 13 *Sand & Gravel*, 226 F.3d 1015, 1017 (9th Cir. 2000).

14 **II. STIPULATIONS**

15 WHEREFORE, based on the above, MERSAL hereby stipulates:

- 16 1. that the \$31,432.00 *ad interim* limitation fund ARAMARK posted
 herein equals the combined value of the accident vessel and its cargo and pending
 freight;
- 19 2. to waive the right to claim res judicata based on any judgment rendered
 against ARAMARK outside of the limitation proceedings;
- 21 3. to this district court's exclusive jurisdiction to determine limitation of
 liability issues.

23 WHEREFORE, based on the above, MERSAL and ARAMARK hereby
 24 stipulate and respectfully request that the Court order:

- 25 1. that the injunction currently restraining MERSAL from pursuing the
 State Court Action be lifted;
- 27 2. that the \$31,432.00 *ad interim* limitation fund ARAMARK posted
 herein be deemed to equal the combined value of the accident vessel and its cargo

1 and pending freight following the August 10, 2024, incident on Lake Tahoe;

2 3. that the parties be permitted to litigate through trial if necessary the State
3 Court Action and then return to this Court to litigate ARAMARK's right to limitation
4 of or exoneration from liability if and only if the State Court Action, including any
5 claims for contribution and/or indemnity result in a finding of liability against
6 ARAMARK and the total amount of damages awarded against exceeds the \$31,432.00
7 ad interim limitation fund ARAMARK has posted herein;

8 4. that if MERSAL obtains a judgment against ARAMARK in the case of
9 *Mohey Mersal v. Travel Systems, LLC, et al*, Sacramento Superior Court, Case No.
10 24CV020410, he will not execute on said judgment without first returning to this Court
11 to adjudicate ARAMARK's right to seek limitation of or exoneration from liability;

12 5. that the injunction preventing any other lawsuits or claims to be filed (DE
13 #12) remains in effect as to all lawsuits and claims other than the State Court Action;

14 6. that MERSAL not seek a determination of ARAMARK's right to limit its
15 liability in any proceeding other than the instant one;

16 7. that counsel for ARAMARK advise this Court immediately when the
17 State Court Action is concluded; and

18 8. that until such time as this Court orders otherwise following the
19 conclusion of the State Court Action, this case is STAYED.

20 IT IS SO STIPULATED.

22 DATED: October 22, 2025

COX WOOTTON LERNER
GRIFFIN & HANSEN LLP

24 /s/ Zvonimir A. Sola

25 Zvonimir A. Sola
26 Attorneys for Plaintiff-in-Limitation
27 ARAMARK SPORTS AND
28 ENTERTAINMENT SERVICES, LLC

1 DATED: October 22, 2025

BRODSKY MICKLOW BULL
& WEISS LLP

3 /s/ Kurt Micklow
4 Kurt Micklow
5 Attorneys for Claimant
6 MOHEY MERSAL (*as authorized by Kurt*
Micklow on October 16, 2025)

7

8 **ORDER**

9

IT IS SO ORDERED.

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11 Dated: October 22, 2025

/s/ Daniel J. Calabretta

12 THE HONORABLE DANIEL J. CALABRETTA
13 UNITED STATES DISTRICT JUDGE

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